

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Bernard PAUL et al.	\$	Group Art Unit:	1651
		\$		
Serial No.:	10/520,234	\$	Examiner:	D K. Ware
		\$		
Filed:	December 30, 2004	\$	Confirmation No.:	5086
		\$		
For:	Means for Biologically Controlling	\$	Atty. Docket No.:	2142-01000
	Cryptogamic Plant Disease	\$		

DECLARATION OF APPLICANT UNDER 35 U.S.C. § 1.132

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sophie Bejean, president of the UNIVERSITE DE BOURGOGNE, state as follows:

1. I am over 18 years of age and competent to make this Declaration.
2. I have knowledge of the terms and conditions under which the microorganisms disclosed in the above-referenced application were deposited with the Collection Nationale de Cultures de Micro-organismes (CNCM), 25 rue du Dr Roux, 75724 Paris Cedex 15, France.
3. This Declaration is submitted in support of a Response to the Office Action of June 2, 2009 in the above-identified patent application, for the purpose of complying with a requirement to indicate the public availability of the deposited microorganisms.
4. The deposits disclosed in the above-referenced application, including deposits of the microorganisms recited in currently-pending claims 16-18, were made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations Thereunder (Budapest Treaty). The deposits will be made available by CNCM under the terms of the Budapest Treaty, and subject to an agreement between the UNIVERSITE DE BOURGOGNE and CNCM, which assures that each said strain will be irrevocably and

without restriction or condition released to the public upon the issuance of the pertinent U.S. patent.

5. The UNIVERSITE DE BOURGOGNE is assignee of all rights, title and interest in the invention which is the subject of the above-referenced application, in accordance with the Assignment of record at reel/frame 015994/0790 in the assignment records of the U.S. Patent and Trademark Office, and acting as or in behalf of applicants in the above-referenced application.

6. The inventor/applicant, Dr Bernard Paul, agrees to the submission by the Assignee of this Declaration regarding availability of the deposited material.

7. I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Date: 01/10/2009



Présidente de l'Université

Sophie Béjean

(Signature)

Sophie BEJEAN:

Title: President

UNIVERSITE DE BOURGOGNE,

Assignee

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